

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-HC-2123-D

CECIL MUHAMMAD,

Petitioner,

v.

BRICK TRIPP and US PAROLE
COMMISSION,

Respondents.

ORDER


On June 25, 2018, Magistrate Judge Jones issued a Memorandum and Recommendation (“M&R”) [D.E. 20], and recommended that the court grant respondents’ motion to dismiss [D.E. 12], deny Cecil Muhammad’s (“Muhammad”) motion to stay [D.E. 18], and dismiss Muhammad’s 28 U.S.C. § 2241 petition. The court mailed a copy of the M&R to Muhammad at Rivers Correctional Institution, but the mail was returned undelivered and the envelope stated “released.” Muhammad has failed to update the court with his new address.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and Muhammad’s petition. The court is

satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 20]. The court GRANTS respondents' motion to dismiss [D.E. 12], DENIES Muhammad's motion to stay [D.E. 18], and DISMISSES Muhammad's petition. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000). The clerk shall close the case.

SO ORDERED. This 1 day of August 2018.



JAMES C. DEVER III
Chief United States District Judge